

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DONALD DEBROSSE,

Plaintiff,

-against-

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
13-CV-3822 (AMD) (CLP)

THE CITY OF NEW YORK, DETECTIVE MICHAEL
GAYNOR, Tax #928363, DETECTIVE DAVID
ARVELO, Tax #895970, DETECTIVE LORRAINE
WINTERS, Tax #921297, POLICE OFFICER PABLO
DEJESUS, Tax #915572, DETECTIVE ANDREW
MENNELLA, Tax #922778, DETECTIVE ROBERT
AIELLO, Tax #901092, DETECTIVE CLAUDE
JEAN-PIERRE, Tax #91209, POLICE OFFICERS
JOHN/JANE DOE(S) #S1-10,

Defendants.
-----X

ANN M. DONNELLY, United States District Judge:

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ SEP 12 2018 ★

BROOKLYN OFFICE

On July 9, 2013, the plaintiff, Donald Debrosse, commenced this action against the defendants, the City of New York and New York Police Detective Michael Gaynor, Detective David Arvelo, Detective Lorraine Winters, Police Officer Pablo Dejesus, Detective Andrew Mennella, Detective Robert Aiello, and Detective Claude Jean-Pierre, alleging false arrest, malicious prosecution, denial of a fair trial, abuse of the criminal process, and *Monell* claims of municipal liability against the City of New York. (ECF No. 1.) On August 2, 2017, I granted summary judgment in favor of the defendants. (ECF No. 95.) The plaintiff appealed, and the Second Circuit affirmed my decision on June 28, 2018. (ECF Nos. 118, 119.) On September 15, 2017, the defendants filed a motion for attorneys' fees and sanctions, seeking \$84,450. (ECF Nos. 101, 102.) The plaintiff filed a cross-motion for sanctions on October 23, 2017. (ECF No. 107.) The Honorable Cheryl L. Pollak held oral argument on February 13, 2018. (ECF No.

117.) On August 28, 2018, Judge Pollak issued a Report and Recommendation in which she recommended that I deny the both the defendants' motion for fees and sanctions, and the plaintiff's motion for sanctions. (ECF No. 120.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed. (*Id.*)

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

I have carefully reviewed Judge Pollak's thoughtful and cogent Report and Recommendation, and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The defendants' motion for attorneys' fees and sanctions is denied, and the plaintiff's motion for sanctions is denied.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
September 12, 2018